

#### **REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-4, 6, 7, 9, 11-17, 19-24, 26-28, and 31-39 are pending in the application, with claims 1, 16, 22, 31, and 37 being independent. The Applicant wishes to thank the Examiner for the indication that claims 1-4, 6, 7, 9, 11-17, 19-21, and 31-39 are allowed.

#### ***Examiner Interview***

Applicant thanks Examiner Olson for conducting an interview with Applicant's representative Elizabeth Zehr on Tuesday, December 23rd, 2008.

During the interview, Applicant's representative and the Examiner discussed the §101 rejection as applied to claims 22-24 and 26-28. Specifically, the Examiner indicated that amending the specification to remove the reference to the computer readable media being a signal or carrier wave would overcome the §101 rejection. Applicant has amended the specification accordingly.

The subject matter of the interview, and other remarks, are included below to assist the Examiner in more fully understanding the Applicant's position on the §101 rejection.

#### ***Amendments to the Specification***

Applicant has amended paragraph [0062] of the specification to remove the reference to the computer readable media being a signal or carrier wave. No new matter was added.

***Rejections under 35 U.S.C. §101***

The Office rejected claims 22-24 and 26-28 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Specifically, the Office recites: "Claim 22 is drawn to a computer readable medium having stored thereon a computer program, where the computer readable medium as defined in the specification on pages 22-23, paragraphs [0062] – [0063], can be a signal or carrier wave; therefore, fail(s) to fall within a statutory category of invention." Applicant has herein amended the specification to remove the reference to the computer readable medium being a signal or carrier wave in order to overcome the non-statutory subject matter rejections of the type asserted by the Office. Claims 23-24 and 26-28 depend from base claim 22. Applicant respectfully submits that these claims, as amended, comply with the patentability requirements of §101. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection to claims 22-24 and 26-28.

CONCLUSION

For at least the foregoing reasons, claims 1-4, 6, 7, 9, 11-17, 19-24, 26-28, and 31-39 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance.

The arguments and amendments presented herein were necessitated by the most recent Office Action, and could not have been presented previously because Applicant earnestly believed that the claims were in condition for allowance at the time of filing the previous response.

If any issue remains unresolved that would prevent allowance of this case, Applicant requests that the Examiner contact the undersigned attorney to resolve the issue.

Respectfully Submitted,

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